## REMARKS

Claims 1-12 and 14-22 are now pending in the application. Claims 1, 16, 17, 21 and 22 are independent claims. The previously indicated allowability of all claims was withdrawn.

Section 103(a) rejection based on Rai, Bahl and Calhoun

Claims 1-12 and 14-22 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,421,714 (Rai) in view of US Patent 6,834,341 (Bahl) and further in view of US Patent 6,463,475 (Calhoun).

This rejection is traversed and reconsideration is respectfully requested.

Independent Claim 1, as previously amended, is directed to a system for controlling signal transmission between a plurality of modems coupled to computers and at least two Internet service providers. The system includes a router coupled to a base station, wherein the base station transmits and receives wireless signals to and from the modems coupled to computers, and a tunnel switch in communication with the router via a communication path, wherein the router routes signals between the base station and the tunnel switch via the communication path, the tunnel switch routes signals between the router and first and second Internet service providers via wired communication paths, *the router imposes a first pre-determined signal bandwidth limit between the modems and the first Internet service provider, and the router imposes a second pre-determined signal bandwidth limit between the modems and the second Internet service provider.*

Independent Claims 16 and 21 each recite a system in which the tunnel switch routes signals between the router and first and second Internet service providers via wired communication paths, and the *tunnel switch* imposes *a first pre-determined signal bandwidth limit between the modems and the first Internet service provider, and a second pre-determined signal bandwidth limit between the modems and the second Internet service provider.*

Independent Claims 17 and 21 are directed to a method of controlling signal transmission between a plurality of modems coupled to computers and at least two Internet service providers, including the steps of wirelessly transmitting signals between a base station and the modems coupled to computers, routing signals between a router coupled to the base station and a tunnel switch via a communication path, routing signals between the tunnel switch and first and second Internet service providers via wired communication paths, imposing a first pre-determined signal bandwidth limit between the modems and the first Internet service provider, and imposing a second pre-determined signal bandwidth limit between the modems and the second Internet service provider.

The Action relies upon the alleged teachings of Rai, Bahl, *and* Calhoun in alleging that the claims are unpatentable over the prior art. More specifically, the Action takes the position that Rai teaches the elements recited in each of the independent claims, but *fails to teach* (1) a tunnel switch and (2) the router imposing a first and a second predetermined signal bandwidth limits".

The Action then alleges that (1) Bahl teaches a router (110a) imposes a first and second predetermined bandwidth limits between the modems and first and second ISP's respectively, and (2) Calhoun teaches using a tunnel switch to route traffic to a plurality of destinations. The Action also takes the position that it would be obvious to incorporate all of these alleged teachings in a manner to arrive at Applicant's claimed invention.

First, Applicant respectfully submits that Rai is simply directed to a "mobility management scheme for a wireless internet access system" in which a "message is coupleable from an end system through the home inter-working function to a PPP server" (Abst). As to router 42, Rai notes only that "IP router 42 connects MSC (mobile switching center) 40 to public internet 44, private intranets 46 or to internet service providers 46" (col. 6, lines 24-25).

Bahl, directed to "authentication methods and systems for accessing the internet", states only that "users are given a variety of choices of different service levels that they can use for accessing the internet" (abst.) and that "components 110 can negotiate, on behalf of the users, with the different ISPs 105 for Internet access" (col. 5, lines 58-60). Bahl fails to teach or suggest the element *acknowledged to be missing from Rai* of <u>*a router imposing a first pre-determined signal bandwidth limit between the modems and the first Internet service provider,*</u>

*and the router imposing a second pre-determined signal bandwidth limit between the modems and the second Internet service provider.*

In addition, of course the motivation to modify or combine teachings in the prior art must flow from some teaching in the art that *suggests* the desirability or incentive to make the modification/ combination needed to arrive at the claimed invention. The mere fact that the prior art *could* be so modified would not have made the modification/combination obvious unless the prior art actually *suggests* the desirability of the combination.

In this regard, the Federal Circuit has repeatedly warned that the requisite motivation must come from the prior art and *not Applicants' specification.* For instance, when an invention is directed to a combination of elements, both the Federal Circuit and the Board have consistently reversed rejections found on references merely showing that the claimed elements or subcombinations of the claimed elements were known.

It is, of course, improper for the Examiner to *pick and choose elements* from several references in order to "build" an obviousness rejection, when such a combination would not in fact have been obvious to one of ordinary skill in the art. Further, it is impermissible to use an Applicant's specification as an instruction manual or "road map" to piece together the teachings of the prior art in order to render claims obvious.

The *only* suggestion for combining the alleged teachings of Rai, Bahl and Calhoun, in the manner suggested in the Action, is found in the luxury of the hindsight accorded one who first viewed Applicant's disclosure, which of course, is not a proper basis for a rejection.

In fact, Rai, Bahl and Calhoun, at least, completely fail to suggest the *claimed combination.* Therefore, Applicant respectfully submits that there is no prima facie case of obviousness and the rejection should be withdrawn.

Dependent Claims 2-12, 14-15 and 18-20 are believed to be clearly patentable for all of the reasons indicated above with respect to Claims 1 and 17, one or the other from which they depend, and even further distinguish over the cited references by reciting additional limitations.

Should the Examiner be of the view that an interview would expedite consideration of this Response or of the application at large, request is made that the Examiner telephone the Applicants' attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

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**PLEASE CONTINUE TO SEND ALL CORRESPONDENCE TO**

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